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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/948,530 10/09/97 MILOSLAVSKY

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CENTRAL COAST PATENT AGENCY
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EXAMINER

VII, H

ART UNIT

PAPER NUMBER

2663

DATE MAILED:

07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/948,530

Applicant(s)

Miloslavsky

Examiner
Huy Vu

Art Unit
2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 16, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 and 14-16 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 5) ☐ Notice of References Cited (PTO-892)
- 6) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 7) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew (of record) in view of Gottlieb (of record) or Lindeberg et al (of record). Andrew differs from the claim in that Andrew does not teach the use of SCP processor to route incoming calls based on agent status. However, such feature is well known in the art of telephony. For example, Gottlieb teaches a SCP processor 226 that routes incoming calls to appropriate operator/agent using operator/agent status (see col. 7, lines 36-63). In another prior art example, Lindeberg also teaches SCP processor 231 that routes incoming calls to appropriate operator/agent using operator/agent status (see figure 5; col. 11, lines 21-27). Gottlieb further teaches force management database (col. 10, lines 52), and Lindeberg teaches database 252 (figure 1). The use of SCP processor to route incoming calls to appropriate operator/agent using operator/agent status enhance call routing efficiency. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Gottlieb's or Lindeberg's teaching of using a SCP processor to route incoming calls to appropriate operator/agent

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using operator/agent status in Andrew's system with the motivation being to enhance call routing efficiency.

3. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al (of record).

Regarding claims 14-16, Andrews teaches an Internet protocol network telephony system having a routing server (48) and database (54). The routing server routes the incoming calls to the agents using stored and processed information in the database (historical information) about transactions including agent skill, status, availability, etc. See col. 6, lines 31-35 and 42-62. Andrews further teaches that the system can handle Internet phone call . See figure 9, col. 11, lines 39-67. Andrews differs from the claim in that Andrews database is within the call center as opposed to being located remotely from the call center (claim 14) or located in the Internet (claim 16). However, one skilled in the art would have recognized that such remote location would have been desirable if the information is to be shared among different call centers or that the information is to be managed by a remote management site. If the call center fails, an independent remote site can still provide the information to other call center. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andrews' system to have the database located remotely from the call center with the motivation being to share the information among the call center and to enhance the reliability of the sharing even in the case the call center fails.

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4. Applicant's arguments filed April 16, 2001 have been fully considered but they are not persuasive. In response to Applicant's argument that the prior art combination does not read on the claimed invention because there is no prior art teaching of controlling routing in the Internet, Applicant's attention is directed to Andrews et al (USP 5,848,143), at figure 9 and col. 11, lines 39-67, where Andrews clearly teaches a system that can control the routing of the Internet phone calls through the Internet network 408. In response to Applicant's argument that the prior art fails to teach to include certain features of Applicant's invention, the limitation on which Applicant relies (i.e. the intelligent routing of the IPNT calls at the data network level), are not stated in the claims. Therefore, it is irrelevant whether the reference includes those feature or not.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 8:00 a.m. to 4:00 p.m. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen, can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

HUY D. VU
PRIMARY EXAMINER